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Supreme Court on police powers

New Miranda ruling expands right to question prisoners

On the 25th anniversary of the Miranda ruling June 13, the U.S. Supreme Court expanded police power to question criminal suspects without their lawyers present.

The 6-to-3 ruling held that a jailed suspect represented by a lawyer in one criminal case may sometimes be questioned about other unrelated crimes without the attorney present — provided the suspect has been given the Miranda warning and is willing to answer.

The ruling came in a Wisconsin case involving a man arrested on an armed robbery charge. The man, Paul M. McNeil, was provided with a public defender at arraignment on the robbery charge.

While in jail on that charge, McNeil was questioned by police on two different occasions about several unrelated crimes, including a murder. McNeil was advised of his Miranda rights twice but signed a form waiving those rights

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Suspects can be held 48 hours without warrant, decision holds

The U.S. Supreme Court ruled May 13 that police generally may jail persons arrested without a warrant for up to 48 hours before a judicial hearing has to be held to determine if sufficient cause exists to detain criminal suspects.

The 5-to-4 decision — Justice David H. Souter, the High Court's newest member, was the tiebreaker — set aside a Federal court order issued in a civil rights lawsuit brought by Donald Lee McLaughlin in 1987 against Riverside County, Calif., where probable-cause hearings were generally held in 48 hours. Under Riverside County's policy, delays of three or four days were not uncommon if an arrest occurred on or close to weekends and holidays. The Federal court ordered county officials to establish a 36-hour deadline during which the judicial proceeding must be held.

The ruling is not expected to have a widespread effect on the U.S. criminal

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U.S. illegal drug tab exceeds \$40 billion

As a nation, the United States spends almost as much on illegal drugs as it does to fight them. A recent Federal report places the retail value of illegal drugs at about \$40.4 billion, as compared to \$46 billion spent by Federal state and local governments to fight drugs.

The score may be evened up further by Federal spending on drug enforcement strategies that are not effective, another report suggests. That report, from an international panel headed by former Drug Enforcement Administration director Peter Bensinger, said the U.S. wastes more than \$1 billion a year.

Taken together, the two reports indicate the scope of the problem facing drug enforcement efforts.

Street Value

The estimate of annual spending on illicit drugs was prepared by the Office of National Drug Control Policy. It estimated that in 1990 Americans spent:

- \$17.5 billion for cocaine
- \$12.3 billion for heroin
- \$8.8 billion for marijuana
- \$2 billion for hallucinogens, amphetamines and other drugs.

By comparison, the nation spent \$44 billion on alcohol and \$37 billion on tobacco products.

Sales of illegal drugs fell over three years, from \$51.6 billion in 1988 to \$49.8 billion in 1989 before hitting \$40.4 last year.

Drug enforcement officials acknowledged that the figures were only estimates.

Bruce M. Carnes, director of planning, budget and administration for drug czar Bob Martinez, told the New York Times, "We may not have exact numbers, but it looks plausible that the general tale we're telling is the right tale. [The drug problem is] getting somewhat smaller, but it's getting tougher."

Rep. Charles Rangel of New York, a member of the House committee on narcotics abuse, said he believes the estimate is far too low, putting the figure closer to \$100 billion a year. The new study, he said, "adds nothing to the policy discussions and debate over how we should slay the drug dragon."

Strategy Debate

The second report addresses the question of strategy. It was produced by the Inter-American Commission on Drug Policy, which includes high-level experts from Bolivia, Canada, Colombia, Mexico, Peru and the United States. Former Peruvian Foreign Minister Luis Gonzales Posada heads the group with Bensinger.

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ONE BIG BELT FOR THE ROAD: Georgia Gov. Zell Miller announces a summer campaign to increase safety belt usage through public education and stepped-up enforcement. Atlanta Police Chief Eldrin A. Bell, left, lends his support. The two men stand behind a section of the 365-foot seatbelt that wrapped the state capitol for the announcement.

Arrest of 30 officers stuns Cleveland

At a time when several metropolitan police departments are battling increased public distrust as the result of widely publicized cases of misconduct, corruption and brutality, the Cleveland Police Department is grappling with one of the most extensive.

Undercover agents of the Federal Bureau of Investigation capped a two-year sting operation with the arrests of 30 former or current Cleveland police officers May 30. The officers were charged with protecting illegal gambling houses and accepting more than \$50,000 in payoffs.

The arrests left Cleveland residents and officials reeling. Police Chief Edward Kovacic said he was surprised

at the scope of the operation. "It's an emotional roller coaster," he told the New York Times. "You can't put it into words."

Mayor Michael White said, "Bad policemen, like bad doctors, lawyers, politicians or journalists, are a cancer within their profession that must be removed."

But both citizens and officials later rallied in support of the department. About 100 residents attended a June city council meeting wearing blue ribbons and the council passed a resolution pledging "to support Cleveland's loyal police officers in times of both crisis and prosperity."

The FBI arrests involved 20 detec-

tives and patrol officers, three sergeants, seven former officers, one Metroparks officer and 16 civilians.

The 23 current officers were indicted on charges of extortion, obstruction of justice and narcotics and gambling violations. They came from a range of precincts and had served between three and 25 years on the force.

The officers were accused of accepting bribes in return for acting as guards at gambling operations and providing information about police raids. Three also were charged with protecting shipments of marijuana from Kentucky.

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What They Are Saying:

"Since the ready ability to obtain uncoerced confessions is not an evil but an unmitigated good, society would be the loser."

— U.S. Supreme Court Justice Antonin Scalia, on why police authority to question jailed suspects should be expanded. (9:1)

Around the Nation

Northeast

CONNECTICUT — Police departments in 23 cities in central Connecticut have joined to form the Capitol Region Investigative Support Team. The team will allow its members to coordinate efforts.

A \$12 million budget deficit in Waterbury has resulted in the layoffs of 17 city workers, including seven police officers.

New Haven Police Chief Nicholas Pastore is to be honored this fall by the Drug Policy Foundation for his "proactive" approach to drug enforcement that focuses on prevention and community involvement rather than mass arrests. Pastore was instrumental in getting a clean needle exchange program in New Haven and sent officers door to door to notify potential abusers of treatment options.

A four-year controversy in Rocky Hill over allegations of racial bias has ended. The town council has agreed to pay Lieut. John C. Herbst \$32,500 to settle a federal civil rights lawsuit he brought against several town officials. Herbst had claimed he was demoted after complaining that "a pervasive racism" existed in the department. A related suit by Chief Philip H. Schnabel, who defended Herbst's actions, was settled for \$175,000 last fall.

DELAWARE — A judge has voided a traffic ticket that resulted in an incident in which a 48-year-old man was charged with running over Ocean View Police Chief Dennis O'Malley. O'Malley had issued the ticket to the man's daughter, but the judge ruled it had been issued outside the city's jurisdiction.

After two members of the anti-drug patrol group Take Back the Streets were injured in a May attack, Wilmington police have agreed to provide protection to the group.

DISTRICT OF COLUMBIA — Police say the shooting of a Lorton prison inmate by correctional officer Raleigh James in front of D.C. General Hospital was justified because the inmate, who was awaiting trial on kidnapping charges, was trying to escape.

Religious and civic leaders have formed a coalition to get a referendum on a law that would hold manufacturers of some assault weapons liable for deaths or injuries resulting from their products. The Committee for Strict Liability hopes to gather 16,000 signatures to put the measure, which was passed by the D.C. Council last December but later repealed, on the November ballot.

U.S. District Judge Robert W. Sweet will be honored by the Drug Policy Foundation as the member of the legal profession whose work demonstrates "the highest degree of commitment to human freedom, democratic traditions and rational legal decisions." Sweet, district judge for the Southern District of New York, has attracted widespread attention for his criticism of the drug war.

MAINE — Portland police have begun making monthly criminal checks on the 703 people licensed to carry concealed weapons in the city. The first check found five people who had been convicted of crimes and the city has moved to revoke their licenses. Police Chief Michael Chitwood says, "This is a small city — it is not the wild west."

MARYLAND — Montgomery County police officer Christopher Albrecht, who was cleared of a fatal shooting of a suspect in 1989, is being investigated in the recent fatal shooting of a 20-year-old woman.

James Manuel, 23, wound up in jail after he asked Baltimore police to help him get a refund from a cocaine dealer so he could pay for a prostitute.

A Maryland state trooper who stopped two men for speeding found more than \$4.5 million worth of cocaine in the car's trunk. Trooper John E. Appleby decided to search the car after noticing a white residue on one man's identification card.

MASSACHUSETTS — A Boston police detective has been sentenced to five years of probation for lying about a fake informant to secure a warrant for a drug raid. The 1988 raid led to the death of Detective Carlos Luna's partner, Sherman Griffiths. The man charged with shooting Griffiths was acquitted last year after much of the prosecution's evidence was thrown out.

Two police cadets injured while training at the Agawam police academy in 1988 have reached settlements with the state. Officer William D. Baker received \$35,000 and Officer Jeffrey J. Kemp was awarded \$32,500 for kidney problems resulting from being given too little water during the training. A third cadet died six weeks after collapsing at the academy. His widow earlier was awarded \$1 million.

Correction Commissioner Thomas C. Rapone is expected to become the state's new secretary of public safety, replacing James B. Roche. Roche retired after the pay of all Cabinet members was reduced in a budget-cutting move by the legislature. Zenner Stephen Grzegorek, former regional director for the Federal Bureau of Prisons, is likely to succeed Rapone at the Department of Correction, sources report.

U.S. Attorney Wayne A. Budd will investigate the fatal shooting of a mugging suspect by a Boston police officer. Budd will review the circumstances under which officer Leo J. Ronan shot Nathaniel Lackland after a chase that ended in the hallway of a housing development. Lackland, who was carrying a knife, was shot in the back of the head at a distance of four to six feet, an autopsy showed.

PENNSYLVANIA — Two employees of the Montgomery County Sheriff have been suspended after being charged with smoking a marijuana cigarette at the office. Sgt. Paul H. "Sam" Green and bookkeeper Valier L. Stewart are suspended with pay pending the outcome of a trial.

NEW HAMPSHIRE — The state Supreme Court has ruled that anonymous

tips aren't grounds for warrantless searches of cars. State prosecutors say they are considering an appeal to the U.S. Supreme Court.

NEW JERSEY — State police mechanic Christopher Gilli has been charged with misconduct for revealing the licenses of unmarked state police cars. Police officials say no drug cases were compromised as a result.

NEW YORK — A Long Island civic group is attempting to combat prostitution in its neighborhood by notifying wives whose husbands have been arrested. The Gordon Heights Community Watch, which says most of the men arrested on prostitution charges in Gordon Heights are from surrounding communities, sends wives a formal letter reporting the date and place of the arrest.

Crime in New York City fell 7.1 percent in the first three months of 1991 compared with the same period the previous year, continuing a decline that began last summer, according to officials.

A drifter arrested for the December murder of a Roosevelt Island woman has told investigators he and an accomplice killed 12 women in Tennessee, Kentucky and Georgia. The man, David Applegate, said voices named "Zigor 0623" and "George 8" commanded him to kill.

New York City Transit Police are looking for dogs for their subway canine teams. They need eight male German shepherds that are aggressive, calm and willing to be trained to complete a 27-dog force.

Seven members of the violent Brooklyn-based drug gang the Unknowns have been convicted on Federal drug and racketeering charges, the last of 100 gang members brought to trial on a variety of charges over a two-year period. At its height, the Unknowns gang sold \$10 million of heroin and cocaine a month.

An investigation has begun into the drowning of a New York City officer taking part in a Harbor Unit rescue drill. Officer Kenneth Hansen, an experienced swimmer and certified diver, was playing the role of the victim in the drill, in which he was to grab a flotation device and be lifted to a helicopter. He disappeared underwater shortly after diving into the harbor and rescue attempts by the 10 other officers present failed. Hansen apparently was not wearing a life preserver.

A report from New York City's Commission of Human Rights indicates that thousands of crimes against gay men and women are not reported to the police. Based on 481 questionnaires distributed by gay organizations, the report said respondents reported more than 15,000 incidents of bias-related violence, most of which occurred between 1986 and 1991, and 73 percent of those who were victims of or witnessed gay-bias attacks did not report the incidents.

After six years of delays, a Queens police officer has been cleared of charges of torturing prisoners with an electric stun gun. Officer Michael Aranda, suspended without pay for most of the

time charges were pending, was charged along with three other officers in a scandal that rocked the department in 1985. The other officers were convicted in 1986 and 1988, but Aranda maintained his innocence.

Nassau County Police Commissioner Samuel Rozzi has warned New York City residents against crossing into Nassau County to commit crimes. Rozzi issued the warning at a news conference announcing the arrests of five Queens men charged with a double homicide and robbery in Rockville Centre. Four Queens men recently were indicted in a shooting in Valley Stream where one person was killed and three wounded.

Six Soviet police officers who spent a week in New York observing transit police on the job said New York subways are more decrepit than Moscow's, but that they envied their counterparts' sophisticated technology and higher standard of living. The two groups said they share a sense of risk and a desire to improve working conditions.

Four officers assigned to a special Bronx narcotics unit have been arrested and more arrests are expected as part of an investigation into charges that a ring of narcotics officers in the unit have stolen guns, money and drugs from Bronx drug dealers. Investigators refuse to reveal how many officers may be implicated except to say "substantially more" than four.

RHODE ISLAND — Providence Deputy Police Chief Richard Tamburini has become the third officer indicted for allowing a prisoner who was a witness in an organized crime investigation to leave without police escort while in custody. The witness escaped and later died in a skydiving accident.

Bicycle patrols have resumed along the 11-mile Easy Bay Bicycle Path in Providence. Twelve officers will patrol the path for the summer months.

VERMONT — The state Supreme Court has ruled that Timothy Alexander, convicted of driving under the influence in 1986, did not lose his constitutional protection against unreasonable searches by driving through a police roadblock. The court said the legality of the roadblock must be determined before suspects can be prosecuted on charges resulting from the block.

Southeast

ALABAMA — Barbour County Coroner David Childs says he is considering a lawsuit after police wrestled him to the ground and charged him with disorderly conduct for lifting the sheet off a murder victim. Police said he was disturbing the crime scene and had been warned to stay away.

Police in Prattville have been rounding up 41 suspects wanted in connection with a 4-month probe that resulted in 103 counts of drug violations. Undercover officers worked from a pickup truck and posed as high school students to make buys.

ARKANSAS — Nearly half the state's county jails fail to meet state standards because of understaffing, lack of exercise space and failure to separate adults from juveniles and men from women, a review panel has reported.

FLORIDA — Florida State Trooper Andrew Smith has been named Trooper of the Year for 1991. Smith was honored for two incidents that occurred just 13 days apart. In the first, Smith helped pull a driver from a wrecked car seconds before it exploded. In the second, he stopped a shoot-out and arrested the two men involved without firing a shot.

Miami Metro-Dade police are searching for a man they want to question in connection with the murder of a police officer. Miami Springs Officer Charles Stafford was killed after he called for back-up to help pull over a stolen car carrying three men. When the back-up arrived, Stafford was found shot in the neck and left shoulder.

More than 11,000 assaults on Florida law enforcement officers were reported in 1990, with some 35 percent resulting in personal injury to the officer, according to an annual report from the Florida Department of Law Enforcement.

GEORGIA — Crisp County Sheriff's Deputy Devin South has been named the National Sheriffs Association's Deputy of the Year. He was cited for valor after being shot twice while trying to apprehend a suspect in an armed robbery.

Savannah police have begun a probe into why a domestic disturbance call wasn't answered for an hour. A 23-year-old man bled to death after being cut by broken window glass.

MISSISSIPPI — The state Supreme Court has ruled that Long Beach High School officials did not need a warrant to search the locker of a student who had tried to sell two handguns to a fellow student in 1990, saying the school officials had reasonable grounds for the search.

NORTH CAROLINA — Chadbourne Mayor A.E. Shaw ordered the town's three police officers, including Chief Kelly Rogers, to serve three-day suspensions because one officer's 9mm gun is missing.

Five aldermen in West Jefferson have agreed to forego their \$45-per-month salaries to help pay for a part-time police officer.

VIRGINIA — The Drug Enforcement Administration says a disassembled drug laboratory discovered in Chesterfield was capable of producing four to nine pounds of methamphetamine at a time. Two men were arrested and charged with methamphetamine possession but have not been charged with operating the laboratory. The laboratory was the second methamphetamine lab discovered in the Richmond area in a month.

Portsmouth police officer Kevin Croft has been fired after allegedly calling judges "idiots" and city officials "dumb" while speaking to a police-community relations group. The remarks constituted a third conduct violation, his

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superiors said. Croft denies making the remarks.

When the new Chesterfield County courthouse opened last summer, police discovered the lockers designed to hold their weapons while they were in court wouldn't accommodate the new 10mm semiautomatic pistols they had been issued. Court officials ordered officers to leave their guns in their cars, but officers protested they had to walk from the car to the courthouse unarmed. The judges are now preparing an order that will allow sworn officers to carry their guns inside the courthouse.

Midwest



ILLINOIS — A policy barring residents of Chicago's public housing from keeping guns is being challenged by the National Rifle Association, which says the policy violates residents' right to bear arms.

Ten Chicago Transit Authority subway ticket agents have been implicated in stealing fares by a Federal Bureau of Investigation probe. The agents stole thousands of dollars a year, the FBI said. Local media reported that as much as \$5 million in fares may be stolen each year by several rings of workers.

An overflowing prison system has resulted in the Illinois Department of Corrections ordering its parole agents to stop issuing arrest warrants for parolees who miss two consecutive monthly parole checks. The state will make notations in the parolees' case files.

INDIANA — The Indiana Association of Chiefs of Police has passed a resolution supporting a gun-control bill requiring a seven-day waiting period to purchase a handgun.

KENTUCKY — Ed Brady, public affairs officer for the state police post in Henderson, has been named Henderson's new police chief. He replaces Larry Ivie, who retired in April.

Police in Florence will be getting three new Honda motor scooters for patrolling parking lots and increasing visibility and contact on neighborhood patrols.

Three State Police troopers who attended a party that included an exotic dancer, alcohol and a heated argument in which guns were drawn are not guilty of improper conduct, according to Capt. Bill Lewis, even though two of the troopers were on duty. The uniformed officers only stopped "momentarily" to pay their respects to a fellow officer who was getting married and did not go inside, Lewis said.

MICHIGAN — Fearing civil unrest during the summer, a Detroit coalition is asking local businesses to help in a plan to provide jobs for 7,000 young people. New Detroit Inc., formed after the 1967 riots, hopes to replace jobs lost because of the elimination of the Michigan Youth Corps job program. It also is organizing community response teams to react quickly if violence erupts.

Former Detroit Police Chief William Hart, awaiting trial on charges of embezzling \$2.6 million from a secret police fund, now also faces charges that he asked the sister of a police commander to lie to the grand jury.

Federal authorities have dropped drug-trafficking and corruption charges against 13 people, including the niece of Mayor Coleman A. Young, to allow more time for investigation. The 13 allegedly tried to arrange police protection for drug dealers and money launderers.

The state legislature is considering two measures designed to toughen penalties against minors who drink. The bills would mean a minor caught buying liquor would automatically lose his or her driver's license for 90 days and face fines of \$100 to \$500 for a first offense, up from \$25.

OHIO — East Cleveland police officer Guy E. Green has been found not guilty of attempted rape and gross sexual imposition. Green, who has been suspended without pay since the indictment, said the charges were made by a woman he knew platonic after her boyfriend questioned their relationship. He plans to seek reinstatement.

When Cincinnati police broke up a crowd of about 400 people during an early-morning party at an apartment complex, they returned to their cruisers to find four vandalized. Damage included dents, slashed tires and a broken windshield and antenna.

WISCONSIN — A county judge has blocked the Polk County sheriff from holding a news conference on the murders of five members of the Brenizer family, citing the possibility of prejudicing the trial of the 15-year-old boy charged with the killings.



Plains States

IOWA — The Iowa Supreme Court has ruled that police can seize cars and cash from people convicted on simple drug possession charges.

Des Moines recently established a program that will allow some defendants to get reduced sentences in return for letting their victims confront them. The county attorney's office will choose defendants eligible for the program, which is designed to help victims cope with crimes committed against them.

MISSOURI — The St. Louis city government is trying to find an additional \$2.5 million for its police budget. An aldermanic committee recommended raising the department's budget from a proposed \$84 million to \$86.5 for the fiscal year beginning July 1, but made no recommendations about how the additional funds should be raised. The department had requested \$89.7 million.

Three St. Louis police officers are facing departmental charges that they fired several shots at a man they were arresting for discharging his weapon, then tried to conceal their action. The

shots went into a house next door, but no one was injured. One officer allegedly switched barrels on his 9mm pistol to conceal evidence of its having been fired.

A probe has begun into the actions of Kansas City police who accidentally conducted a drug raid at the wrong house. The home's owner was jailed five hours before police realized their error and the house received extensive damage.

MONTANA — Sanders County Sheriff Bill Alexander received a black eye during a scuffle outside a bar that included Alexander's opponent in last fall's general election. Alexander said he was hit when he attempted to break up a fight at the bar, but Billy Hill, his former opponent, said the sheriff charged him as he tried to intervene in the altercation, prompting Hill to strike him.

NORTH DAKOTA — A 14-year-old boy has been charged with attempted murder for shooting police officer Steven Durenkey. Officers stopped the boy after he stole his mother's car and took him to the hospital when he complained of a sore ankle. As Durenkey helped the boy out of the squad car, the boy pulled a gun and fired. The officer is recovering from a gunshot wound to his chest.



Southwest

ARIZONA — President Bush has designated Arizona as a high-intensity drug trafficking area, freeing up Federal funds to help fight drugs in the state. Pima County will receive \$740,000 and Yuma County will get \$500,000 in Federal grants.

COLORADO — In the wake of the Los Angeles videotaped beating, Colorado's legislature is considering a bill defining excessive force and making it a misdemeanor for police to not report witnessing use of excessive force.

NEW MEXICO — Under the Federal High Intensity Drug Trafficking Area program, New Mexico will receive \$3 million to help patrol its 187-mile border with Mexico.

OKLAHOMA — Jefferson County Sheriff Richard Stout has briefly furloughed two deputies because of budget restraints. The furloughs leave Stout without assistance in covering his 1,200-square-mile area.

A man who sued the city of El Reno claiming its ban on diabetic officers was discriminatory has been awarded \$22,500. Donnie Watts, 27, agreed not to seek a job on the force in exchange for the city dropping plans to appeal.

TEXAS — The Dallas City Council is attempting to fight a rising crime rate by adopting a curfew for anyone under the age of 17. The curfew will be in effect 11 P.M. to 6 A.M. Sunday through Thursday and after midnight Friday and Saturday. Parents or businesses can be fined up to \$500 for allowing youths to violate the curfew. Violent

crime was up 9.6 percent in May, compared with the previous May. That increase was down from the average increase of 18 percent in the year's first four months.

Dallas detectives are carefully reviewing open murder cases to determine whether any can be attributed to accused serial murderer Charles Albright. Albright has been charged with killing four prostitutes and is suspected in a fifth.

A woman who was one of five strip-searched by Pampa police during a May 10 drug raid has filed a \$2.5 million lawsuit accusing police of violating her civil rights. Oralia Hernandez was not charged.

UTAH — The Davis County Sheriff's attempt to begin charging ambulance patients who required paramedic care a fee of \$132 has been rejected by the Bountiful City Council and a local ambulance association as an unfair burden on those who use the service. The sheriff said the money would go to hire more paramedics.

Utah County sheriff's officers soon will be carrying video cameras to record drunk driving arrests and other evidence.



ALASKA — A new ordinance regulating the ownership of pit bulls proposed in Anchorage would allow police to kill any pit bull not tattooed with identifying information. Three of the dogs attacked without provocation in one week.

Fairbanks has adopted an ordinance prohibiting panhandling on city streets. Violators will be sentenced to community service work.

CALIFORNIA — The Los Angeles Police Department has agreed in an out-of-court settlement to stop using martial arts weapons called nunchakus against Operation Rescue anti-abortion protesters who block women's clinics.

The California Senate has voted to add five more semiautomatic guns to the list of almost 60 that are banned assault weapons. The bill is now before the assembly.

Two Los Angeles police officers who died when their police helicopter crashed may have sacrificed themselves to protect a day-care center and elementary school. An observer said the helicopter was descending unsteadily, then veered suddenly, apparently to avoid the school below, and crashed in a nearby parking lot. Pilot Gary Howe, a 20-year veteran with 10,000 hours of flight time, and observer Charles Champe, also a certified helicopter pilot, were killed, along with one person on the ground.

The Secret Service in Los Angeles has confiscated \$30 million in counterfeit currency in two raids within 10 days. The first seizure, one of the biggest

ever at \$20 million, was found May 21 in Huntington Beach. Ten days later, agents in Pomona seized more than \$10 million in fake \$100 bills. Three men were arrested in the two raids.

Two California Highway Patrol officers have been suspended without pay because of a videotape showing them beating two Persian Gulf war protesters at an otherwise peaceful rally in January. Officers Reginald Redmond and Nicholas Chouprov were suspended for 20 days and 10 days, respectively.

NEVADA — One of the country's toughest drunken driving laws has become a victim of prison overcrowding. Nevada's law was amended so that a third conviction no longer carries a mandatory one-year prison sentence.

OREGON — Portland is considering doubling the fines for false burglar alarms in an effort to reduce response costs. In 1990, the police spent \$1.3 million answering 27,000 calls, of which some 97 percent proved false. The new fines would cost homeowners \$50 for the second false alarm in a year and \$100 for the third and fourth. Police would not respond after that.

A grand jury has ruled that police were justified in shooting a suspected drug dealer 28 times after he pointed a gun at them. The panel said officers had no way of knowing the suspect's gun was not loaded.

A bill that would require hospitals to report injured drivers with illegal blood alcohol levels is being considered by the state legislature. A companion bill would require boaters suspected of operating their vessels under the influence to take breath tests.

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People and Places

The stress of duress

Douglas County Sheriff Dan Breda realized his deputies were having difficulties coping with the stress of their jobs when one who had recently been involved in three threatening incidents shot himself and lied about what happened.

Deputy Mike Cowin became despondent not long after he was involved in incidents where he wrestled with a man wielding a knife, stopped another man from jumping in front of a moving train and rescued two boys from the Wenatchee River. Cowin later shot himself, then reported he had been shot by an unknown assailant.

Breda has ordered all deputies to attend meetings designed to help them cope with stress.

Better late than never

A New York City detective who once received a Medal of Honor has settled a five-year-old sex-discrimination suit against the department and will be promoted at a public ceremony.

Detective Kathleen Burke had sought \$2 million in damages, accusing the NYPD of sexual discrimination and of retaliating when she complained about the discrimination by denying her job advancement. She agreed to settle the suit for a public promotion from second-grade to first-grade detective rank.

"She insisted that she be promoted at a public ceremony so other women in the department would know that while it isn't an easy fight, it's something that has to be taken up if things are going to change," her attorney told

The New York Times.

An attorney representing the city said after Burke suggested a promotion would satisfy her "it seemed prudent to promote her."

Burke's complaint began in 1980, when she returned to the major case squad after giving birth to her second child. She said her supervisor, Sgt. Martin Stiasny, told her a mother should not be on active duty, berated her repeatedly, harassed her partner and blocked her assignment to some kinds of cases.

Stiasny, who now commands a detective squad in Queens, has denied her claims.

Burke filed a complaint with the department's Equal Employment Opportunity Unit in 1984 and submitted a recording of the sergeant describing her in profane language. The unit investigated and found no grounds for Burke's discrimination charge but upheld the harassment charge. Stiasny agreed to a fine of three days' pay but refused to accept the findings.

Burke then took her charge to Federal court and the suit named the equal employment unit, three other supervisors and two male colleagues, as well as Stiasny.

In 1985, Burke was transferred and eventually worked on a joint task force investigating organized crime and gambling. In 1986, she and her partner were shot while working undercover. Her partner died and Burke, shot in the chest, later received the Medal of Honor.

With the case settled, Burke, 47, said she will retire from the force to become a consultant specializing in counseling officers involved in shootings.

Matter of opinion

Los Angeles Assistant Police Chief Robert Vernon has come under attack for audiotapes he made 14 years ago for a conservative evangelical church.

Vernon, an elder at Grace Community Church, recorded the tapes titled "The True Masculine Role" in 1977. They recently came to light after a local gossip columnist mentioned their existence. City Council member Zev Yaroslavsky later asked the Police Commission to look into whether Vernon's religious views as evidenced by the tapes have influenced police policies.

On the tapes, Vernon tells church members "God's intended role" is that women should be submissive to their husbands, homosexuality is wrong, police officers are "ministers of God" and children are "born sinners" who should be spanked "with a boat oar" if necessary.

Yaroslavsky said Vernon's religious teachings could explain why the LAPD, with 8,300 officers, has no openly gay or lesbian officers. "It's one thing to have an opinion," he said. "It's another thing to have an opinion when you're in charge of virtually every promotion."

Vernon has criticized the probe into his beliefs, saying it constitutes religious persecution and violates his civil rights. His supporters charge that raising the issue of tapes recorded 14 years ago is unfair and blame the critical atmosphere surrounding the videotaped beating of Rodney King.

Vernon joined the LAPD in 1954 and became assistant chief in 1979. In

May, he was ordered to pay \$10,000 in damages to a Black Panther Party member who said Vernon used a police computer to obtain and spread damaging information about him. The man also was awarded \$3.83 million from the city.

Evidence that slithers

An accused murderer in New York City who claims police coerced his confession wants the judge hearing his case to see the instrument he says detectives used to terrorize him: a 7-foot boa constrictor named Maxwell.

David Tai, 20, is one of three men charged with killing three members of the violent Vietnamese gang Bom to Kill. His attorney claims Tai, a Taiwanese immigrant who has a limited understanding of English, was seated just eight feet from the terrarium that housed the snake, who has been the 1st Precinct mascot for seven years.

In an affidavit, Tai said one of two detectives questioning him threatened they would allow the snake to bite him if he didn't admit to being a murderer. He also accused the detectives of choking him and hitting him in the head with a shoe.

Tai's attorney argued that a photograph or videotape of the snake wouldn't capture "the full extent of the threat" and asked the snake be brought into court. But Judge Richard Andrias declined for now, ordering police to "preserve and retain said snake in live condition" until he decides whether to suppress Tai's statements to police.

"At this point, I don't need to see the snake and I don't need to make a zoological showcase out of the courtroom," Andrias said.

Officers who care for Max said he is being well fed on a diet of sterilized rats purchased at a local pet store.

Travel agent

A top aide to national drug czar Bob Martinez says he was abruptly fired from his post because he repeatedly missed office staff meetings while making speaking engagements out of town.

Reggie B. Walton, associate director for state and local affairs, said Martinez fired him without adequate notice even though he tried to apologize for his frequent absences. "I was never forewarned," he said. He said that if he had been told of Martinez's displeasure with his travel, "I would have taken steps to curtail the situation."

A spokesman for Martinez called Walton's dismissal part of a "routine transition" from former drug control director William J. Bennett's administration.

Walton, a former District of Columbia Superior Court judge, was handpicked by Bennett, who assigned him the task of representing administration anti-drug policies to local and state governments and other groups.

In his two years on the job, Walton said, he spoke in more than 140 cities in 43 states. He said he was fulfilling the "mission that Dr. Bennett wanted me to perform."

However, knowledgeable sources told the Washington Post that Marti-

nez and his aides believed Walton was spending too much time speaking to local community groups and schools and not enough time keeping in touch with key local officials and policy makers.

As a judge, Walton had a reputation for handing down stiff sentences for drug offenders, often lecturing them from the bench. He said he has not yet made plans for his future.

Inside story

Two Federal Bureau of Investigations agents who wrote a book revealing secret information about a New York Mafia boss have resigned the bureau amidst a flurry of criticism.

Joseph F. O'Brien and Andris Kurins, authors of "Boss of Bosses," angered FBI officials by publishing information obtained from tapes that were never made part of official evidence and material on FBI surveillance tactics.

The book, about the late Paul Castellano, includes details of the subject's personal life as well as an inside look at the Gambino crime family.

It chronicles the five-year undercover investigation that led to racketeering charges against Castellano and several other defendants. Castellano was gunned down outside a Manhattan restaurant before his trial ended. John Gotti is charged with that killing.

FBI officials object to the book on several counts. They maintain agents should not profit from evidence gathered in an investigation and claim the authors misled them about the book's content.

The authors also have been accused of exaggerating their roles in the investigation.

The controversy surrounding the book's publication escalated when FBI Director William S. Sessions apparently tried to keep the authors from receiving royalties from the book, saying the royalties would violate FBI policy prohibiting outside employment. O'Brien and Kurins responded by filing a civil suit against the bureau.

In June, the two resigned as part of an out-of-court settlement of the civil suit. They can now receive royalties from the book, including the sale of movie and foreign rights, which are expected to reach \$1 million.

Bureau policy prohibits agents from publishing a book either while at the FBI or after leaving it unless they receive the bureau's permission. O'Brien and Kurins were granted permission to publish "Boss of Bosses," but the head of the New York office, James Fox, says material was added to the manuscript after it was approved.

Fox said the book includes "a lot of material considered confidential and sensitive" and called the authors' use of information gathered from surveillance tapes "personally disgusting."

Kurins and O'Brien deny the charges leveled against them. They said information in the book is based on "public records or proper sources" and that they "complied fully" with bureau requirements regarding publication.

They also deny they inflated their role in the investigation. O'Brien told a New York reporter that while some deviations were made, they are insignificant. "By and large, the book is totally true and factual," he said.

The authors plan to write another book about the Commission, a group of New York Mafia leaders.

Picket offense

Redwood Falls, Minn., Police Chief Mike Gerrey says he was upholding his oath of office when he took part in an anti-abortion protest in May.

Gerrey was arrested on charges of trespassing and resisting arrest in a Fargo, N.D., protest by a group called Lambs of Christ. He and 23 other members of the group were arrested inside the Fargo Women's Health Organization clinic.

"If I saved one child from being murdered, then I have fulfilled my pledge to protect and serve," Gerrey told USA Today from jail, where he had served two weeks after refusing to post bail.

"My whole life has been working to protect innocent victims of crime. These children are innocent victims, and the highest law in the land is God's law, which abortion violates," he said.

Gerrey has been suspended by the Redwood Falls City Council, which says the chief must appear before it and the police commission when he returns. Gerrey has been chief of the small southwestern Minnesota town for 12 years.

Fargo mayor Jon Lindgren has asked Redwood Falls to reimburse Fargo for at least \$2,000 in expenses related to Gerrey's arrest, including medical costs for an officer who suffered a hernia while lifting Gerrey during his arrest.

Lindgren said Redwood Falls is not legally responsible for the costs but "should accept a moral responsibility." He also asked for an apology to the injured officer.

Gerrey, 50, has long opposed abortion and has called on other police officers to picket clinics. The chief says he will remain in jail "as long as it takes to get the message across."

True test shaping up

Officers from three Midwestern police departments are pitting their physical improvement against each other in a fitness challenge.

Teams of four officers from the St. Paul, Minneapolis and Chicago police departments will compete to show the most improvement over an eight-week period in resting heart rate, resting blood pressure, weight, waist measurements and body fat measurements.

The contest is designed to "emphasize the positive physical and mental benefits received of total body exercise, that can help in relieving some stress that comes from their job," according to Marcel Kole, a marketing executive for NordicTrack, which sponsors the competition.

The officers will work out on NordicTrack equipment, and the team with the highest percentage of overall improvement will win equipment that simulates cross-country skiing for the department's fitness center.

Det. Joseph Kirchers of the Chicago Police Department, who coordinated his department's involvement, said, "I received an outstanding response from officers who wanted to participate in the fitness challenge. In the law enforcement occupation, we all understand the value of physical fitness."

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Tom Possumato, a 30-year veteran of the Newark, N.J., Police Department who is running for president of the National Fraternal Order of Police.

FOP race heats up

The election campaign for the top spot in the National Fraternal Order of Police is in full swing and promises to be a no-holds-barred race.

The contest features a 30-year veteran of the Newark, N.J., Police Department and former National Treasurer of the FOP challenging two-term President Dewey Stokes for the hearts and minds — and votes — of up to 3,000 delegates expected to cast ballots at the 50th National FOP conference in Pittsburgh in August.

The challenger, Tom Possumato, 51, said it's time for a change in the leadership of the organization, which represents police officers in labor and legislative issues in 45 states. He told LEN he feels the current leadership has become complacent and the organization is spending too much money.

He claims that the FOP budget rose from \$1.2 million to \$2 million in the past year and believes that much of that money is being spent on the offices of the FOP's higher officials.

"At the same time, you have the national organization demanding that the membership increase the per capita tax, and in addition to that, assessing the members \$1.50 per individual for the so-called Center for Criminal Justice Studies," which was established by Stokes, Possumato charged.

Stokes denied the charges about the budget, saying that as membership has grown, so has the per capita tax, "and obviously with the growth we've got going, the budget goes up," he said.

Possumato, who has served as president of the Newark lodge since 1978, said that the Center for Criminal Justice Studies is being used by Stokes as a "foundation for a very large political base." Possumato said that the FOP should allow state lodges to decide which issues they want to support. "I don't believe the national [organization] should be telling the various states what types of legislation they should or shouldn't have. I think it's a decision that the individual should make."

Stokes called the center "a big plus" for the organization. "It's going to help not only the FOP but all law enforcement in the future. It's going to be able to give us some input into issues and take on issues that other people would rather not talk about that affect our jobs and our working conditions," he said. Stokes mentioned the

continuing controversy over body armor standards as the kind of issue the center is taking on.

"In the future, I think the important issue to our members is going to continue to be national legislation, education of our membership on political issues and candidates, and why we should be involved in the [political] system," Stokes added.

Possumato's platform also criticizes the current leadership for failing to provide adequate followup for new members. "You're chartering new members on one end and on the other you're losing members because there's no one touching bases with them."

Stokes pointed to the growth of the FOP — which he says has increased its membership from about 180,000 in 1987 to 225,000 this year — as proof of his solid leadership capabilities. "Our membership is a little bit above average intelligence, and I think you can see where our record is and what we've been doing," he said.

Philly promotions under fire again

Promotion policies within the Philadelphia Police Department have come under fire a second time in six months after the rejection of eight candidates for chief inspector or inspector.

Police Commissioner Willie L. Williams, invoking a civil service regulation allowing him to consider the two top candidates for any position, rejected four inspectors seeking promotion to chief inspector and four captains seeking to be inspectors.

The Fraternal Order of Police charged that Williams rejected three of the candidates because they had objected to promotions made by the commissioner in January. Williams was ordered to rescind the previous promotions after the FOP argued in court that the choice of candidates should be based on test performances.

Three inspectors who testified at that hearing were among those bypassed in the latest round of promotions. Nine of the 39 selected for promotions to inspector and chief inspector this month were among those slated for promotion in January.

Williams was out of town when the new promotion list became public, and could not be reached for comment.

Cleveland rocked by scandal

Continued from Page 1

Officers allegedly received from \$50 to \$1,000 a night for their services.

Safety Director Carolyn Watts Allen suspended the indicted officers without pay. All but five had been arraigned by press time and had pleaded not guilty.

William Branen, the FBI special agent in charge of the Cleveland operation, said the investigation began after the bureau received complaints of corruption in May 1989.

He said that when undercover agents set up two gambling operations and ran gambling nights at local hotels, they were contacted by officers offering protection.

Kovacic, who was informed of the investigation in August and worked with FBI agents, said an internal probe last year resulted in the gambling arrest of one officer but was closed because it was compromised by corrupt officers.

Emotional Scenes

Officers on both sides of the drama were emotional during the arrests and arraignments. The 175 FBI and Cleveland police officers who took part in the arrests gave officers who were arrested in uniform black windbreakers and led them away in handcuffs. Robert Beck, president of the Cleveland Police Patrolmen's Association, said officers were "distraught and sad"

and called the arrests "a dark day in the history" of the department.

During arraignment in a packed courtroom, several of those arrested wiped away tears.

An attorney for the patrol association criticized the handcuffing of officers during a recess in the arraignment process. "It was totally inappropriate and not needed," said Patrick A. D'Angelo. "There is a certain amount of fanfare going on."

But the U.S. Attorney for Northern Ohio said the arrests sent a message to the public. They "affirm the principle that no one, including an officer charged with enforcing the law, is beyond the law," said Joyce J. George.

Public Reaction

A few days after the arrests, patrol officers said they had observed changes in public attitudes toward police. "You just try to do your job," a veteran officer told the Cleveland Plain Dealer. "But it's difficult because people look at you in a different manner."

Robert Zak, whose police employee assistance unit counsels police families, said many officers find the public reaction difficult to deal with. "They don't want to even go on runs because they know the first thing that will happen is people will want to ask them, 'What about this stuff?'"

A few members of the force said they think some of the indicted offi-

cers may not have known the gambling was illegal, believing they had been hired for security at charity events.

Officers said they were cheered by the show of support at the city council meeting. In addition to the praise from residents, Chief Kovacic indicated support for the ranks by allowing two patrol officers to accept the council resolution. Officers Fabian Henderson and Frank Camacho accepted it on the department's behalf.

At the council meeting, one citizen, sporting a blue ribbon, said, "We support our police department. There's always one or two bad ones, but the one or two shouldn't condemn the others."

Heroin use on the rise in New York

Drug enforcement officials and social workers in New York City have spotted a change in the city's drug abuse pattern — crack cocaine giving way to heroin.

A report just issued by the New York State Division of Substance Abuse Services concluded that middle-level cocaine dealers have switched to selling heroin as the demand for crack drops. It said heroin is "marketed more aggressively now" and noted increasing numbers of heroin shooting galleries in the city.

Agencies that work with drug addicts reported the same trend, with more clients requiring treatment for heroin abuse. While experts said heroin use has not yet become epidemic, they noted it is being abused by users in all social classes.

Dr. Robert Millman, director of the Drug and Alcohol Abuse unit of New York Hospital-Cornell Medical Center, attributed the switch to crack's devastating physical effects. He said heroin's effects are not seen as quickly.

"We see people coming in for treatment of cocaine abuse two or three months after they've started using it heavily," he told the New York Times, "but with heroin, people can maintain themselves for years."

Michael Bathea, who works for the Association for Drug Abuse and Prevention, emphasized that despite the decline, crack abuse is still the major drug problem in New York.

New study addresses cost of fighting drugs

Continued from Page 1

The panel criticizes U.S. drug enforcement policies that "do not work or yield scant results in relation to their sizable costs."

Chief among those policies, the group said, are efforts to prevent drug smuggling into the country. "Since 1985, U.S. federal budget funds spent annually on interdiction have increased by \$1 billion, an investment not justified by past of current results," the report said.

Anti-drug programs in Latin America also were targeted as ineffective. The report said U.S. pressure in Colombia, Bolivia and Peru have led to increased involvement by the military in drug enforcement campaigns, re-

sulting in greater violence and civil rights violations.

"These outcomes have weakened popular support for anti-drug efforts," it said.

The panel concluded U.S. drug-fighting priorities are "upside down."

"Nationally and internationally, authorities should give greater attention and funding to what is working: programs to reduce demand and treatment of drug abusers, street-level enforcement and the disruption of criminal networks," it said.

The 1992 Federal drug enforcement budget of \$11.68 billion allots 70 percent of the funds to interdiction and enforcement, with 30 percent going for education and treatment.

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Scrivner:

Helping police families cope with stress

By Ellen Scrivner

Law enforcement can be a rewarding career. The opportunity to contribute to the public safety of a community generally produces a personally worthwhile experience. However, it is not without certain costs and nowhere are these costs more keenly felt than in police officer families.

The police family, though not part of the police organization, is very much affected by it. Over and above the prevailing fear for safety of their loved ones, the police family experiences pressures not typically found in other occupations.

These pressures occur at all levels. They vary from the family of a new recruit with children learning to manage the presence of a weapon in the home, and the fear of being alone while the officer works the midnight shift, to those of a police chief's family coping with the personal anguish and public scrutiny that occurs when a chief is embroiled in a community controversy.

In between we see a variety of job-related issues that contribute to family dysfunction.

Family disruption due to rotating shift work. Single law enforcement parents, frequently women, struggle to provide adequate child care

and a family life while working rotating shifts.

For all police families, shift work disrupts family life, as when the officer is unavailable on holidays, for family special events or is called for court on a day off.

Over time, shift work also begins to exact a physical toll on the officer that is accompanied by emotional changes such as irritability and increased tension at home.

Unpredictable work environment. Shift work, in and of itself, is not the sole problem. Rather, the environment in which it occurs, one of unpredictability, crises and emergency response, generally communicates to the police family that the job must take priority over their needs.

This phenomenon occurs in an occupation where destabilizing events challenge a family with some frequency. Of necessity, a law enforcement family learns to live with the fear of death but quickly learns that the potential for physical injury is greater. These injuries have long-term ramifications for an officer and the family and, other than monetary assistance through the Workmen's Compensation Program, there are generally few services available to assist

injured officers and their families.

Equally destabilizing is the risk of an officer becoming the target of an internal investigation. Whether due to a serious infraction or to a frivolous complaint, families bear the burden of something for which they had no responsibility. Consequently, they fear financial ruin and/or social ostracism.

Job-related personal change and family relationships. Injuries and investigations are commonplace in law enforcement and are not just isolated career events. Yet, the more prevailing family concerns come from the personal effects that the job has on a police officer and how observed personal changes impact family relationships.

Law enforcement is not just about apprehending criminals. Interwoven into the fabric of work is the continual contact with the social problems of the community.

A police officer can see more human tragedy in the first three years of a career than most people see in a lifetime. Under these conditions, a young, idealistic officer motivated to provide service to the public begins to construct a psychological shield to avoid becoming emotionally overwhelmed.

The psychological shield does not remain in the locker room. Inevitably, it goes home with the officer and is manifested as a lack of sensitivity in family relationships already strained by the growing suspiciousness, hypervigilance and mistrust of other people that develop with time on the job.

These by-products of police work influence communication styles and problem-solving skills at home and can contribute to family dysfunction.

Community expectations and demands. Communities frequently hold officers to a different standard of behavior in comparison to individuals in other occupations. Not only are officers expected to be readily available in off hours to respond to the slightest neighborhood infraction, but community members expect officers and their families to be free from family conflicts.

Moreover, the children of officers are expected to behave differently when their parent is a police officer. Such can be particularly troublesome for police officers' adolescent children if held to behavior standards different from their peers.

Intrusion into Family Life

There is little question for most professionals in the field that a career in law enforcement can represent a significant intrusion into family life. This phenomenon was defined in a 1978 study as job responsibilities superseding family relationships.

Nowhere is this intrusion more apparent than in the requirement in most jurisdictions for officers to carry their weapons and take appropriate police action, when necessary, on a 24-hour basis. Thus, a pleasant family outing can readily become an unpleasant police event.

It is not unusual, then, for police family members to experience loneliness and alienation and to develop resentment for the pervasive influence that a career in law enforcement assumes over their lives.

Psychological Services in Review

This portrayal of the interplay between police work and family life is based on consistent anecdotal data from police psychologists and other mental health professionals who provide services to police departments. Unfortunately, the research literature on the interplay between police stress and family life remains sparse, and the minimal research findings from the 1970s may be less easily generalized today as the escalating crime rates in communities across the country

change the working environment of the police officers.

However, while empirical research findings are lacking, the anecdotal data cannot be discounted coming as they do from the experience of clinicians. These data identify problem areas but they also demonstrate that some police departments have made efforts in the past decade to respond to these problems.

Historically, the first comprehensive psychological services program was implemented in 1968 by Dr. Martin Reiser of the Los Angeles Police Department. Since that time, police departments have slowly begun to recognize the needs for such services but it would be an overstatement to say that all departments currently provide these services.

A national survey of 237 large municipal agencies and 49 state police agencies on the extent and nature of services in police departments showed that of the 69 percent responding:

■ More than 50 percent targeted the pre-employment assessment of recruits as the primary activity of their psychological services.

■ Job stress counseling for on-duty officers was also cited as a priority.

■ Only 42 percent provided services for officers' families.

While these statistics demonstrate a need for additional services, they also indicate an improvement since 1979 when a study found that only 20 percent of the departments surveyed provided any type of psychological services.

The years from 1979 to 1988 saw a growth in psychological services provided to law enforcement as highlighted by the first National Conference on Police Psychological Services for Law Enforcement sponsored by the Federal Bureau of Investigation in 1984. This conference brought together 166 mental health professionals who discussed their work with law enforcement agencies. Much of the research presented at that meeting addressed:

■ Pre-employment screening of police applicants

■ Guidelines for establishing counseling services

■ Organizational stress

■ Police officer stress and stress management

Only four of the 83 papers addressed the police family.

High rates of family dysfunction, including divorce, alcoholism and suicide, are commonly attributed to careers in law enforcement. Yet, no comprehensive data exist that support these assertions. In fact, the incidence and prevalence of police family problems, while believed to be significant, are not known because no systematic data collection has been performed nationwide.

This lack of empirical evidence limits the understanding of the extent of family problems. More importantly, it impedes the development of effective intervention strategies. Finally, the lack of data makes it difficult to encourage police departments to adopt policies that include services for families.

Small Departments

These issues do not pertain only to departments that have sufficient resources to either employ a psychologist or contract for services. They are also relevant to small departments that employ fewer than 20 persons.

It is estimated that 80 percent of the approximately 18,000 law enforcement agencies in the

Continued on Page 10

Other Voices

(A sampling of editorial views on criminal justice issues from the nation's newspapers.)

The legacy of mandatory sentences

By deciding to stop arresting parolees who skip monthly parole checks, the Illinois Department of Corrections is sending a clear message to its clientele: We give up.

The department has told parole agents that they no longer should issue arrest warrants for former prisoners who violate parole by missing several meetings with the agents.

There's no room in the state's overcrowded prisons for them, so there's no point in arresting them when they commit minor violations.

The parole mess is one more example of how incredibly shortsighted Illinois has been in setting long, mandatory prison sentences for even relatively minor crimes, shoveling people into jail at record rates.

Society doesn't benefit, prisoners aren't rehabilitated and the state can't afford it. It's time for the legislature to wake up to the hard realities of doing hard time.

— *The Chicago Tribune*
June 14, 1991

Age doesn't mitigate cold-blooded killings

A Missouri farmer and his wife who had celebrated their golden wedding anniversary last year now face execution for multiple murders. In a judgment handed down Wednesday in the northern Missouri town of Chillicothe, District Judge E. Richard Webber condemned 76-year-old Ray Coleman to die by lethal injection in accordance with the recommendation of the jury. His 69-year-old wife, Faye, had been similarly sentenced earlier.

An organization called the National Coalition to Abolish the Death Penalty is outraged, and the affair is, indeed, something of a shocker. [Five drifters who worked for the Colemans as farm hands were killed.]

The question is: When is a person overage to die for murder? If it had been shown that either of the Colemans had suffered from dementia brought on by senility, commutations or even supervised parole might have been in order. But no such plea was made. What the juries and judges said was that the cold-blooded killing of poor people for a few bucks is not mitigated by age.

Right on! If Supreme Court justices can stay in the judgment business beyond 80, no sane person at a younger age has a right to claim unaccountability for murder.

— *Tulsa Tribune*
May 23, 1991

Front-page justice

Like a lot of people, we were cheered yesterday morning by the news that the owner of an alleged crack house on North Bouvier street had been tossed in the slammer and that his frightened, elderly neighbors were once again living in peace. But then this thought struck us: How can justice be served in the many similar cases that don't end up on the front page of *The Inquirer*?

Yesterday we called District Attorney Lynne M. Abraham to ask how the North Bouvier example could become the rule, rather than the exception. She acknowledged the fundamental problem of too few jail cells for too many criminals, which will not be solved any time soon. But she said that she and U.S. attorney Michael Baylson were determined to help groups of neighbors who were trying to rout drugs from their communities. Through a new program called FAST (Federal Alternative to State Trials), she said, the pushers can be turned over to the feds for assured detention and speedy trial.

Her message to those who can't get their story on Page One is that her office is anxious to hear from them — and that they will inevitably get more attention if they act as a community, rather than as frustrated individuals.

That may not be ideal, but it's a lot better than giving in to despair.

— *The Philadelphia Inquirer*
June 14, 1991

Bill would help with accreditation costs

Who says a police union cares only about the pay and working conditions of its members? No one says that about the International Union of Police Associations, AFL-CIO. The IUPA is, of course, concerned about bread-and-butter issues, but it also cares about police professionalism.

At its 1990 conventions, the 30,000-member

BURDEN'S BEAT By Ordway P. Burden

union adopted a resolution urging its 155 locals to support accreditation of police agencies that meet the standards of the Commission on Accreditation of Police Agencies (CALEA).

IUPA President Bob Kliesmet said the union has also drafted a Congressional bill to require all police agencies to meet CALEA's minimum standards. "The drawback most of the time," he said, "is that cities don't want to come up with the initial cost of the accreditation process." Kliesmet said the IUPA bill would establish "pool of Federal money from which cities could draw to defray the cost if they couldn't afford it."

The bill has been introduced in Congress by Rep. James Moran (D.Va.) with the title, "The Law Enforcement Responsibility Act of 1991."

The union's support for accreditation has borne fruit in Baton Rouge, La., where the Union of Police — IUPA's Local 237 — drummed up community support for seeking accreditation of the police department. As a rule, support for accreditation goes from the top down, with city officials and police brass making the first move, but in Baton Rouge, it came from the bottom up.

The city has not yet applied to CALEA to begin the arduous accreditation process, but it is expected to do so later this year.

It will be a long haul. "Right now the median time for the whole process is about 22 months," said Frank Leahy, CALEA's director of headquarters operations. The process calls for self-assessment by the agency as well as on-site visits by a CALEA assessment team. The agency is measured against some 850 standards for professionalism, including police recruitment prac-

Targeting chronic offenders results in longer sentences

Cooperative efforts by Phoenix police and prosecutors to identify and prosecute chronic offenders resulted in more and longer prison sentences, a new study shows.

The study, conducted by the RAND Corporation, found that offenders identified as chronic in an experimental program were 9.2 percent more likely to receive prison sentences than those with similar histories who were not treated as chronic. They also received sentences averaging 18 months longer.

The study's authors said the Phoenix experiment produced "a significant incapacitation effect resulting from the work of only six police officers."

In the year-long test, the Phoenix Police Department's Repeat Offender Program unit worked with the Maricopa County attorney's office to target high-rate offenders.

Chronic offenders were first identified based on criteria such as evidence of criminal activity, details of criminal backgrounds and characteristics such as substance abuse, extravagant spending and association with known criminals. Extremely dangerous offenders were excluded.

No further action was taken until an arrest occurred — about 90 percent were arrested during the year. Those in a control group received no special handling, but police were notified when those in the experimental group were arrested.

Officers then began working to supply the prosecutor with unusually complete information on the defendant's record and any additional charges pending. The prosecutors used the information to press for longer sentences under Arizona's mandatory sentencing statute.

ties, training and promotion policies, job classifications and salaries, deployment of patrol officers, operation of such special units as detectives and vice and narcotics squads, labor relations, departmental discipline, the use of deadly force and many others.

The final step is review and approval by the 21-member commission that sets policy for CALEA. An agency is accredited for five years, after which it must go through the whole process again if it wants to continue having CALEA's stamp of approval. In March the commission accredited nine agencies and reaccredited eight

others, bringing the total of police agencies with CALEA's blessing to 172.

CALEA was founded in 1979 by the International Association of Chiefs of Police, National Sheriffs' Association, National Organization of Black Law Enforcement Executives and the Police Executive Research Forum. The first agency was accredited in 1984, and since then the idea has taken firm root in law enforcement. At the moment, nearly 990 police agencies are in some stage of the accreditation process.

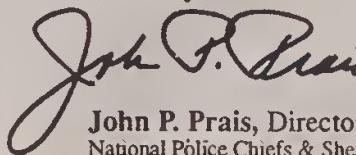
CALEA has spawned 23 networks and coalitions of agencies that meet regularly to deal with

accreditation problems. Most are statewide groups. They sponsor training sessions and workshops and hold mock assessments for practice. Some also study CALEA's standards and make recommendations for amendments or new standards.

(*Ordway P. Burden is president of the Law Enforcement Assistance Foundation and chairman of the National Law Enforcement Council. He welcomes correspondence to his office at 24 Wyndham Court, Nanuet, NY 10545-3845. Seymour F. Malkin, executive director of LEAF, assisted in preparation of this article.*)

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Pittsburgh appeals decision reversing police demotions

The City of Pittsburgh filed an appeal on May 8 in the Commonwealth Court against the decision by a Common Pleas judge that reverses the demotions of 11 police detectives who contended they were assigned to the rank of police officer without cause and were not given adequate hearings to appeal the demotions.

Judge Alan Penkower, in a statutory appeal filed on April 8, denied an appeal by city officials to vacate a decision by the city's Personnel Appeals Board. The board had ordered that the 11 detectives — nine of whom were demoted in 1986, and two others demoted in 1989 — be restored to their former ranks and be compensated for back pay and benefits they had lost in the interim. Penkower denied the plaintiffs' requests that the city pay legal and court costs.

Assistant City Solicitor Joseph Quinn told LEN that the city will argue that the Civil Service statute gives the public safety director and the police chief "the discretion to assign people in and out of detective positions.... That has always been the practice."

Seven of the nine officers requested trial boards after the May 1986 demotions but the requests were denied by city officials because the transfers were made to utilize manpower more effectively, and not for disciplinary reasons.

A few weeks after the demotions, all of the officers requested a hearing before the Personnel Appeals Board, which found that the officers had been given no statement of charges against them, no reasons for their demotion, and no opportunity to contest them.

The board ordered that the city pay each officer salary differentials to make up for the lost income, \$100 for each full year of employment with the Pittsburgh Police Department, and \$100 for each year the plaintiff spent as a graded detective.

In its argument, the city had claimed that the board lacked the jurisdiction to hear the officers' appeal. It said that no collective bargaining or arbitration

agreement provided for the board to hear such matters. The city also contended that the transfers were "reassignments," not demotions made for disciplinary reasons. Finally, the city said the officers were not appealing a decision from a trial board because no such trial boards were available to the officers.

"We just contend that the demotions — even if these were demotions — were not within the subject and jurisdiction of the board. They didn't have a right to hear the case and decide it," said Quinn.

Penkower found, however, that the board had jurisdiction to hear the officers' appeals. He also noted that the board was established to work in conjunction with Civil Service statutes "to secure a uniform system with written procedures for removal of officers by major administrative heads on the basis of the system adopted."

The city also claimed that the officers had no right to a hearing because they had no "property interest" in continued employment as detectives, and that the public safety director has unlimited discretion to assign and remove detectives.

It cited a previous case in which city officials sued the local Fraternal Order of Police lodge to back up its claim. In that case, a section of an arbitration award that would have required a mandatory recommendation process for the promotion of detectives from one class to another.

The decision said that such a process would have robbed the director's discretion in assigning detectives.

"No such attempt to dilute the director's power to promote, reassign, or remove detectives is at stake here," Penkower determined, adding that the officers were not complaining about their transfers to other divisions or job assignments "but rather their demotion to lower grades and rates of pay and other benefits."

Allowing the officers to appeal to the board "ensures that the director's discretion is limited only by due proc-

ess. If his discretion is completely unfettered, he could 'reassign' officers and detectives to lower positions soon after they had been promoted via the civil service system, rendering merit selection and the Civil Service system itself a sham."

The judge also called that the city's assertion that the demotions were made to better utilize manpower "questionable" because the officers were replaced by others "so there was no reduction in staff." Penkower added that the demotions were "invalid unless and until [the officers] had been given an opportunity to be heard.... The Court finds, therefore, that the Board should have specifically reversed the City's actions."

Using the same arguments, Penkower ordered that two detectives demoted in 1989 also be restored to their prior rank with full back pay. He said the city had failed to give them reasons for their demotions.

Bryan Campbell, an attorney affiliated with the Fraternal Order of Police Fort Pitt Lodge No. 1, who has represented the officers, said that while the detectives' promotions were graded positions — made on the basis of merit, not on the basis of Civil Service rules — the case underscores his contention that persons receiving such appointments have rights to appeal decisions affecting their status.

"If you remove them, it's a demotion — if it's a loss of pay," Campbell told LEN. "They do have a right to some type of a hearing. That was the position that went before the judge."

Some of the plaintiffs felt they had been unfairly singled out for demotions by former Police Chief William Moore, Campbell said. "There were people who at one time or another during their careers had maybe had a run-in with him, and they felt when he got in [as Chief], it was payback time. The other thing was, [the demotions] gave him a chance to bring in his own people."

Quinn said he expected the appeal to be heard in February.

Most FBI employees call promotions unfair

Despite widespread controversy about promotion policies that have caused deep racial rifts within the Federal Bureau of Investigations in recent weeks, there is a degree of consensus on one point: current practices are unfair.

A recent survey of 3,000 FBI agents and support personnel found that more than two-thirds of white, black and Hispanic employees believe the bureau does not promote the most qualified applicants.

The survey, requested by FBI director William S. Sessions last fall, shows that 70 percent of blacks, 68 percent of whites and 69 percent of Hispanic employees felt promotions and reassessments were not based on merit.

The results were presented to Sessions this spring, and some of the findings were reported this month by the Associated Press. Sessions requested the survey in an effort to address charges of racism at the agency, which he has acknowledged as a serious problem. Sessions met with more than 200 black agents in April to discuss their complaints and later met with field office supervisors. He has not yet released complete results of the survey or commented on the findings.

The results come in the midst of a debate over hiring and promotion policies that has split the bureau along racial lines. At the center of the controversy are claims by black agents that they have been unfairly denied promotions. A group of black agents has threatened to sue over what they claim are discriminatory recruitment, hiring and promotion policies. Lawyers for the agents are reviewing personnel statistics to determine whether a pattern of discrimination exists.

In response, a group of mostly white agents based in Washington has complained about hiring procedures they assert give preferential treatment to female or minority

agents. Under the bureau's affirmative action policies, blacks and women who score lower on a written test can be hired over white males.

The 5,800-member FBI Agents Association has expressed concerns that similar practices will be used in promotions and reassessments. Larry Langberg, national president, said the group opposes "quota systems or any system that gives favorable personnel action based on race or gender."

Langberg's group has rallied around a speech made by President Bush on May 30 to the FBI Academy in Quantico, Va. In a newsletter published by the group, Chris Kerr, head of its Washington chapter, wrote, "President Bush and the administration may be the most important opponents of the bureau's hiring system preferences and goals."

Rep. Don Edwards of California, who chairs a House Judiciary subcommittee that has conducted hearings into FBI hiring, said the bureau's hiring policies are a "legitimate affirmative-action plan" and accused the president of inflaming the white agents.

Edwards, a former FBI agent, said some applicants with lower scores are accepted because they have special skills and the tests are not always an accurate measure of an applicant's potential. He said their purpose is "to get good employees, not to see who wins or to hire people who do well on tests."

About 88 percent of FBI agents are white and 90 percent are male. Between 1985 and 1989, about 6 percent of white men who took the FBI test were hired, while about 4 percent of black men and 8 percent of Hispanic men were. Among females, 6.6 percent of white women who took the test were hired, 3.5 percent of blacks and 5.5 percent of Hispanics.

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Mafia trials to feature taped evidence

Not since the testimony of Mafia turncoat Joe Valachi before a Senate subcommittee probe of organized crime in 1963 have Federal prosecutors gleaned such an intimate look at the secret ceremonies of the mob as those offered by an FBI tape to be used as evidence in the upcoming trials of alleged New England organized crime bosses.

The trials—one scheduled to begin in Hartford, Conn., later this month and the other in Boston after the Hartford proceeding ends—will be highlighted by the playing of the tapes, which include an account of a mob initiation. The recordings are said to be the government's first taped evidence of Mafia rituals, and will be used by Federal prosecutors to convict organized crime operatives in Connecticut, Massachusetts and Rhode Island. After months of pretrial haggling, a Federal judge earlier this month approved use of the tapes at the trial.

Some details of the tape's contents, including a meeting of 17 men gathered in the Medford, Mass., of convicted murderer Vincent Federico's

sister for a blood initiation, have been revealed in indictments that Attorney General Dick Thornburgh has likened to stakes "in the heart of a major organized crime family from the boss on down." Federico, who had left prison on a 28-hour furlough, inadvertently tipped off FBI agents to his planned "baptism" into the Mafia when he listed his sister's address on his furlough papers. They bugged the unidentified sister's house just hours before the ceremony.

Prosecutors say the tape reveals details of Federico's baptism, which was held Oct. 29, 1989, and attended by Joseph "J.R." Russo, Vincent "The Animal" Ferrara, reputed New England mob overlord Raymond "Junior" Patriarca and other defendants in the trials. The ceremony was conducted by Biagio DiGiocomo, the son of a Sicilian Mafioso who died in a Mafia feud. "We're going to baptize you again," he told Federico and three other inductees. "You were baptized when you were a baby; your parents did it. This time we're going to baptize you."

The oaths were recited by DiGi-

acommo in Italian: "I want to enter this organization, to protect my family, and to protect my friends. I swear not to divulge this secret and to obey, with love and *omerta*." "*Omerta*" is the Mafia's code of silence about its activities; violating it almost always leads to certain death.

The inductees cut their fingers to draw blood and burned holy cards of the Patriarca's patron saint as DiGiocommo continued reciting the oath: "As burns this saint, so will burn my soul. I enter alive into this organization and leave it dead."

The tape also records Patriarca urging his colleagues to put aside grudges that led to the June 1989 rubout of reputed mob underboss Billy Grasso. "Bygone are bygones," Patriarca said. "A good future for us all."

The 46-year-old Patriarca, who has been jailed since his indictment a year ago, allegedly inherited his position as New England mob boss from his father, Raymond, after the elder Patriarca's death in 1984. Raymond Patriarca reportedly cultivated political connections and ruled the New Eng-

land family from his cigarette-vending business in Providence, R.I., for over 30 years.

Patriarca, who is charged in the Boston case with crossing state lines to aid racketeering activities, reportedly attempted to lead a relatively normal — by mob standards — existence. In contrast to reputed New York crime boss John Gotti — himself behind bars as he awaits the start of his third trial on Federal charges — Patriarca eschewed the expensive suits, limousines and flashy jewelry that have become Gotti trademarks. He wore work clothes, drove the family station wagon and lived in suburban Lincoln, R.I., where he ran a flourishing homebuilding firm.

The Providence Journal reported

that Patriarca was so embarrassed by the tape he stepped down as family godfather and gave control of its empire to close associate Nicholas Bianco, 58, a former soldier of New York's Colombo crime family named as a defendant in the Hartford case.

Prosecutors hope the outcome of both trials will put away up to 30 alleged organized crime members. In the Hartford case, nine defendants are charged with running loansharking rings and gambling operations, including a casino in New York. Four defendants are charged with Grasso's murder. In Boston, 20 other defendants are charged with racketeering, illegal gambling, extortion, drug trafficking and murder. Three have already pleaded guilty and are awaiting sentencing.

Supreme Court decision expands police authority to search cars

Continued from Page 1
and confessed to the murder.

He was later convicted of murder, attempted murder and other crimes.

McNeil's attorneys argued that questioning McNeil without his lawyer violated his Fifth Amendment right against self-incrimination as outlined in the *Miranda* case. They said McNeil had invoked his *Miranda* rights by appearing with a court-appointed lawyer on the robbery charge.

The Court ruling established a difference between a defendant's Fifth and Sixth Amendment rights. It held that McNeil had not invoked his Fifth Amendment right by consulting an attorney, but instead had triggered his Sixth Amendment right of counsel. That right, it said, is "offense specific," meaning it applied only to the robbery case.

By agreeing to answer police questions, the Court said, McNeil waived his Fifth Amendment rights.

In the majority opinion, Justice Antonin Scalia said prohibiting police from questioning suspects without attorneys even though they had never expressed an unwillingness to be questioned would "seriously impede effective law enforcement."

"Since the ready ability to obtain uncoerced confessions is not an evil but an unmitigated good, society would be the loser," he wrote.

Justice John Paul Stevens wrote in dissent that the Court's opinion "re-

flects a preference for an inquisitorial system that regards the defense lawyer as an impediment rather than a servant to the cause of justice."

Car Search Rules

In another recent ruling widening police powers, the Supreme Court broadened officers' authority to search automobiles without a warrant.

OVERTURNING A 1979 PRECEDENT, the Court ruled that police can open bags, suitcases and other containers they find in an automobile without a warrant if they have probable cause to believe they contain illegal items.

Again voting 6-3, the justices reversed a precedent prohibiting police from searching closed containers inside a vehicle unless they had probable cause to search the car itself.

The move is the latest in a series of attempts by the Court to sort out confusing and sometimes conflicting rulings regarding search and seizure.

It came in the case of a California man convicted of marijuana possession after police found the drug in a paper bag in the trunk of his car. The officers had no search warrant or probable cause to search the car, but did have probable cause to open the bag because they had seen the man leave an apartment believed to be used to distribute drugs.

Justice Harry A. Blackmun wrote in the majority opinion that the 1979 ruling, from which he dissented, had

"confused courts and police officers and impeded effective law enforcement."

Blackmun said overturning an earlier precedent was justified in cases that have "bred confusion" or created "anomalous results" even though adhering to precedent "serves profoundly important purposes in our legal system."

Stevens wrote the dissenting opinion, charging the ruling "will result in a significant loss of individual privacy." He noted that police must have a warrant to search a container a person is carrying on a public street.

Other Rulings

In other recent decisions, the Supreme Court ruled:

¶ Prisoners seeking to prove prison conditions violate the Eighth Amendment ban on cruel and unusual punishment must show the administration acted with "deliberate indifference" to human needs.

The Court did not define what would constitute such indifference, but the ruling is expected to shift legal arguments from physical conditions such as overcrowding and inadequate sanitation to prison officials' state of mind.

The Justice Department and the American Civil Liberties Union, often on opposite sides in Supreme Court cases, had joined forces to ask the Court to set objective standards for minimal prison conditions that could be measured without regard for officials' attitudes.

¶ Jurors may not be excluded from civil cases on the basis of race.

The decision expands earlier rulings limiting prosecutors' use of peremptory challenges to excuse potential jurors in criminal cases because of their race.

¶ Federal judges who want to impose tougher sentences than those called for by new Federal guidelines must give criminal defendants advance warning.

With the Los Angeles Police Department still under the glare of public scrutiny surrounding the videotaped beating of a black motorist, two other cases involving alleged improper conduct by Los Angeles officers are coming to a close.

In the first case—which had been the most widely publicized misconduct case before the videotape was aired nationwide—three officers were acquitted of charges in connection with a drug raid that resulted in extensive damage to two apartment buildings.

The three, Capt. Thomas Elfmont, Sgt. Charles Spicer and Officer Todd B. Parrick, had been charged with misdemeanor vandalism and conspiracy in the wake of the raid, in which officers wielding axes and rams smashed walls, destroyed televisions and ripped furniture. They were acquitted June 19.

Elfmont, who ordered the raid but was not present, had been charged with instructing officers to "level" the buildings, suspected of being drug houses. After the acquittal, he said a handful of officers had done the damage but that he had been accused "because I was the captain."

Spicer, a supervisor at the scene, had been charged with failing to stop the destruction and Parrick of wielding an ax. Officer Charles A. Wilson pleaded no contest to vandalism in March and was placed on probation.

Los Angeles has paid more than \$3 million to settle civil suits resulting from the incident. More than 70 officers took part in the raid, which uncovered a rifle, less than an ounce of cocaine and about five ounces of marijuana.

Thirty-three residents and passers-by were detained, but only five were charged and no one was convicted.

Jurors said after the trial they believed some police on the scene were guilty of criminal conduct, but that the wrong officers had been brought to trial.

The second case involving the LAPD and charges of misconduct could have long-lasting implications for other California cities.

The state Supreme Court is now considering whether the city should be

held financially liable for a rape committed by an on-duty officer.

A Los Angeles Superior Court jury had earlier awarded the rape victim \$150,000 in damages from the officer and another \$150,000 against the city. An appeals court overturned the damages against the city, ruling that the city should not be accountable because rape committed by an officer on duty was "so unusual, startling and uncharacteristic" that it could not be predicted.

The woman's attorneys appealed to the state's highest court, arguing that rape should be treated the same way as assault or battery, offenses municipalities have been held liable for when committed by on-duty police officers.

"To hold that a beating of a man during an arrest is compensable but that a sexual assault on a woman is not is unjust," said Vann H. Slatter, the attorney.

A lawyer for the city contended that while the officer used his official authority to detain the woman, he used "force and violence" to commit the rape that went "beyond any authority the officer had." Since the rape did not occur through the abuse of any official authority, she argued, the city should not be held accountable.

The victim's attorneys countered by saying the woman did not resist because she feared arrest, so the officer's actions were abuse of official duties.

The court's ruling is due within 90 days and could establish a new definition of municipal liability that would apply to governmental agencies throughout the state.

The rape occurred in 1981 when Sgt. Leigh B. Schroyer, a 15-year veteran of the force, stopped a woman on suspicion of drunken driving.

When the woman begged not to be arrested because she had small children, Schroyer took her home and assaulted her there, telling her if she resisted he would take her to jail.

Schroyer later resigned, was convicted and was sentenced to 18 months. The woman sued, contending the rape caused her to lose interest in sex, drink excessively and gain weight.

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Most states meet Court's standard for detentions

Continued from Page 1

justice system because many states already meet the standard set by the Court.

The American Bar Association recently advised a delay of no more than six hours during the day, with a longer day permitted if the arrest takes place at night. But some states could decide to prolong the deadline to 48 hours.

"Some delays are inevitable," wrote Justice Sandra Day O'Connor in the majority's opinion. "In our view, the Fourth Amendment permits a reasonable postponement of a probable-cause determination while the police cope with the everyday problems of processing suspects through an overburdened criminal justice system."

Chief Justice William H. Rehnquist, Justices Anthony M. Kennedy, Byron R. White and Souter joined O'Connor in the majority opinion.

In the dissenting opinion, Justice Antonin Scalia, considered the Court's most conservative member, said a 24-hour delay was the most that could be tolerated without violating common-law practices and the Fourth Amendment's prohibition against "unreasonable" seizures.

Scalia and the other dissenting justices, Thurgood Marshall, Harry A. Blackmun and John Paul Stevens, said that waiting 48 hours is too long. A probable-cause hearing should be held immediately after an arrested person is booked, they maintained, and never more than 24 hours after the arrest.

"Hereafter, a law-abiding citizen wrongfully arrested may be compelled to await the grace of a Dickensian bureaucratic machine, as it churns its cycle for up to two days, never once given the opportunity to show a judge that there is absolutely no reason to hold him, that a mistake has been made," Scalia wrote.

Added Scalia: "While in recent years we have invented novel applications

of the Fourth Amendment to release the unquestionably guilty, we today repudiate one of its core applications so that the presumptively innocent may be left in jail."

Previously, in 1975, the High Court had ruled in *Gersten v. Pugh* that arrests made without warrants — such as those made during crimes in progress — were not necessarily unconstitutional as long "prompt" hearings are held to determine whether "probable cause" existed for the arrest. The most recent ruling appears to define what the Court meant by "prompt."

O'Connor said a 48-hour deadline was an appropriate balance between "important competing interests" such as states' concern for public safety and the individual's interest in not being subject to "prolonged detention based on incorrect or unfounded suspicion." A delay of more than 48 hours could be justified during an emergency or "other extraordinary circumstances," she added, but any determinations that could have been made sooner or which are delayed for 48 hours out of "ill will" or for the purpose of "gathering additional evidence to justify the arrest" might be unconstitutional.

Some legal scholars said the Court's decision was no surprise, given the conservative body's bent toward the restoration of police powers that are seen as having been eroded by the more liberal Supreme Court of the 1960's. "This Court gives weight to the needs, convenience and practical problems of law enforcement officials," said Yale Kamisar of the University of Michigan Law School.

"Pulling someone off the streets and putting them in jail for 36 hours without any showing of probable cause goes against basic American principles," said Barry C. Scheck of New York's Cardozo Law School. "But as they become overburdened, criminal justice systems are willing to cheat at the margins."

Helping police families cope

Continued from Page 8
United States are classified as small departments.

Only minimal attention has been directed to these departments that constitute the backbone of law enforcement services across the country. Their personnel and their families experience many of the same problems as those in larger departments.

Pragmatic considerations dictate that it would be unrealistic for small departments to provide full-scale psychological services for their personnel. However, mental health treatment could be and should be provided in health insurance plans.

Small departments need to be included in any national effort to study the police family so that appropriate models for service delivery to smaller departments can be developed.

A Case Study

What follows is a brief description how psychological services are provided for a police department. The psychological services program developed for the Prince George's County Police Department, Prince George's County, Md., will provide the model for this description.

The Prince George's County Police Department employs 1,232 sworn officers and 328 civilian personnel and is in the top 50 departments nationally in terms of size.

As a police jurisdiction, Prince George's County represents an ethnically diverse community in the process of responding to changing community trends. The county represents a complex of urban and suburban features and this combination generates a significant number of calls for police services.

No stranger to homicides and drug crimes, the police officer in the county is far more than a reporter or clerk in a cruiser. In fact, most officers respond to a panoply of police calls for service on a fairly continuous basis.

In October 1980, a grant from the Maryland Governor's Commission on Law Enforcement enabled the department to establish a service unit designed to provide behavioral science

services to the organization and its employees. The program, as currently constituted, provides a wide range of these services to the department, including research, training and management consultation services. The keystone of the program, however, is the confidential counseling services, provided to sworn and civilian police personnel and their families.

The counseling services are free of charge and located in a facility that is separate from police administration buildings. Any employee, or family member, can contact the service and receive an initial assessment of the presenting problem to be followed by the appropriate therapeutic intervention.

Interventions can include individual, couples or family therapy, or in some instances, arrangements for treatment of substance abuse problems.

Because of the nature of police work, the program also provides a 24-hour emergency response offering crisis intervention services for a wide range of emergency situations. These emergencies can include an officer's personal crisis or on-duty injuries and/or departmental fatalities.

A critical incident response is also provided under the 24-hour service, with the staff responding to any officer, or group of officers, involved in on-duty traumatic incidents. Emotional support for families has been found to be particularly critical during these stressful times.

Other services include specialized counseling provided to officers and their families who encounter unique situations such as on-duty HIV exposure, or in any case where there has been an excessive force complaint. Finally, support groups are developed around focused issues as in a recent effort to provide support to personnel with family members in the Persian Gulf.

These services have been generally well received throughout the department. A study conducted in 1987 re-

vealed that 41 percent of department personnel had utilized these services. Additionally, from 1987 to 1989, overall delivery had increased by 53 percent.

The goal of the Prince George's County program is to maintain a healthy police force. But the program philosophy clearly recognizes the interrelationship between work and family. It acknowledges that the stress inherent to law enforcement affects family life. Conversely, family problems influence job performance and the delivery of effective police services to the community.

One Model

Drawing from this experience, the Prince George's County program offers one model for providing psychological services to law enforcement agencies. There are other highly effective programs that exist throughout the country and many of these programs also provide services to families.

However, the provision of family services could be at risk since state and local jurisdictions are experiencing the same budget constraints as are seen at the federal level. Should staffing cutbacks occur, then psychological services for families may be particularly threatened.

The police family confronts problems unique to the law enforcement occupation. The state of the art, however, suggests the need for empirical data to define the extent of these problems, and to identify effective intervention strategies.

These data would assist in ensuring that adequate resources are maintained so that services to the law enforcement family will not be jeopardized.

Police families do not wear the badge or carry a weapon but they are very much affected by those who do, and their support role clearly contributes to maintaining effective police services. It is only fitting that this often difficult role be supported by ensuring access to services for police families nationwide.

No surprises

Study finds burglars prefer large, secluded homes

The results of a new study identifying factors that make homes more likely targets of burglary will come as no surprise to most law enforcement officials.

The study, conducted by two economists from Temple University's School of Business and Management, analyzed burglary patterns in three suburban Philadelphia communities. They identified residential locations and property characteristics that increased the chance of burglary.

It found that burglars go through four stages in deciding on a target, choosing the neighborhood, street, house and point of entry.

Burglars preferred:

• Neighborhoods close to major thoroughfares. Most opted for homes near routes they use regularly for legitimate reasons.

• Property secluded by woods or adjacent to a park. More than half the burglary victims questioned lived in such areas. Homes on cul de sac streets also were popular.

• Expensive homes. The researchers found that among homes equipped with alarm systems, those that were burglarized were more expensive, larger

and on larger lots.

The study also supported the assumption that burglar alarms and other security measures reduce loss from burglary.

Homes without alarms were nearly three times as likely to be burgled, the study found.

Also, properties without alarm systems averaged larger losses than those with alarms. Without an alarm, one researcher noted, "the burglar can go through the house at his leisure. With an alarm, he knows he must be off the premises within minutes or risk apprehension."

The study also drew attention to the need for security measures in addition to alarms.

"Even with an alarm system, the wise homeowner will employ a full package of [other] security measures and not rely solely on the alarm," one researcher said. "Residences that had alarms and were still burglarized had taken almost no additional precautions."

Nearly half the burglars studied gained entry to the home through the front door, either because it was left open, had inadequate locks or was poorly constructed, the researchers said.

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3-5. Law Enforcement Shotgun. Presented by the Institute of Public Service. To be held in Gainesville, Ga. Fee: \$295

3-6. Psychological Profiling. Presented by NIS Inc., To be held in Little Rock, Ark. Fee: \$265.

3-Oct. 11. Certificate Program In Delinquency Control. Presented by the Delinquency Control Institute. To be held in Los Angeles. Tuition: \$2,500.

4-6. High-Risk Incident Management. Presented by the Northwestern University Traffic Institute. To be held in Evanston, Ill. Fee: \$400.

5-6. Executive/VIP Protection. Presented by Richard W. Kobetz & Associates. To be held in Orlando, Fla. Fee: \$375

9-11. The Reid Technique of Interviewing & Interrogation. Presented by John E. Reid & Associates. To be held in Boston. Fee: \$495

9-12. The Reid Technique of Interviewing & Interrogation. Presented by John E. Reid & Associates. To be held in Chicago. Fee: \$550

9-13. Research Methods in Law Enforcement. Presented by the Southwestern Law Enforcement Institute. To be held in Richardson, Tex. Fee: \$295 (SLEI members); \$395 (non-members).

9-13. Criminal Patrol Drug Enforcement. Presented by the Institute of Police Technology & Management. To be held in Jacksonville, Fla. Fee: \$395.

9-13. Expanded Study in Sects, Cults & Overtant Movements. Presented by the Institute of Police Technology & Management. To be held in Franklin, Tenn. Fee: \$395.

9-13. Investigation & Inspection of Commercial Vehicle Accidents. Presented by the Institute of Police Technology & Management. To be held in Phoenix. Fee: \$450.

9-13. Interviews & Interrogations for Drug Officers. Presented by the Institute of Police Technology & Management. To be held in Jacksonville, Fla. Fee: \$425.

9-13. Introductory TEAM-UP Database Management. Presented by the Institute of Police Technology & Management. To be held in Jacksonville, Fla. Fee: \$575.

9-13. Police Internal Affairs. Presented by the Institute of Police Technology & Management. To be held in Jacksonville, Fla. Fee: \$425.

9-13. Drug Raid Operations. Presented by the Institute of Public Service. To be held in Gainesville, Ga. Fee: \$525

9-13. Fundamentals of Courtroom Testimony for Polygraph Examiners. Presented by the Department of Defense Polygraph Institute. To be held in Fort McClellan, Ala.

9-13. Practical Crime Scene Workshop. Presented by the Northwestern University Traffic Institute. To be held in Evanston, Ill. Fee: \$550.

9-20. Supervising a Selective Traffic Law Enforcement Program. Presented by the Institute of Police Technology & Management. To be held in Jacksonville, Fla. Fee: \$575

9-20. At-Scene Traffic Accident/Traffic Homicide Investigation. Presented by the Institute of Police Technology & Management. To be held in Jacksonville, Fla. Fee: \$575.

9-20. At-Scene Accident Investigation. Presented by the Northwestern University Traffic Institute. To be held in Evanston, Ill. Fee: \$700.

9-27. Crime Prevention Theory, Practice & Management. Presented by the National Crime Prevention Institute. To be held in Louisville, Ky. Fee: \$870

10-12. Street Survival '91. Presented by Calibre Press. To be held in Indianapolis. Fee: \$149 (all three days); \$125 (first two days only); \$85 (third day only).

10-12. Law Enforcement Rifle. Presented by the Institute of Public Service. To be held in Gainesville, Ga. Fee: \$350.

11. Alcohol & Drug Abuse Awareness. Presented by the University of Houston-Downtown Criminal Justice Center. To be held in Houston. Fee: \$35.

12. Recognition of Child Abuse & Neglect. Presented by the Criminal Justice Center Police Academy, Sam Houston State University. To be held in Huntsville, Tex. Fee: \$35.

16-17. Security Litigation: Research & Evaluation Techniques. Presented by the National Crime Prevention Institute. To be held in Louisville, Ky. Fee: \$185.

16-18. Strategic Planning Law Enforcement. Presented by the Southwestern Law Enforcement Institute. Fee: \$195 (SLEI members), \$295 (non-members)

16-18. The Reid Technique of Interviewing & Interrogation. Presented by John E. Reid & Associates. To be held in Las Vegas. Fee: \$495

16-18. The Reid Technique of Interviewing & Interrogation. Presented by John E. Reid & Associates. To be held in Salt Lake City. Fee: \$495.

16-18. Drug Raid Operations. Presented by the Institute of Public Service. To be held in Gainesville, Ga. Fee: \$525

16-18. Deadly-Physical Force — Police

Involved Shootings. Presented by the Northwestern University Traffic Institute. To be held in Evanston, Ill. Fee: \$400.

16-20. Homicide Investigation. Presented by the Institute of Police Technology & Management. To be held in Jacksonville, Fla. Fee: \$425.

16-20. Advanced Drug Law Enforcement. Presented by the Institute of Police Technology & Management. To be held in Jacksonville, Fla. Fee: \$425.

16-20. Tactical Team Operations I. Presented by the Institute of Public Service. To be held in Gainesville, Ga. Fee: \$300.

16-20. Polygraph Techniques in Child Sexual Abuse Investigations. Presented by the Department of Defense Polygraph Institute. To be held in Fort McClellan, Ala.

19. Death Notification. Presented by the Criminal Justice Center Police Academy, Sam Houston State University. To be held in Huntsville, Tex. Fee: \$35.

19-20. Use of Non-Deadly Force Techniques. Presented by the Northwestern University Traffic Institute. To be held in Jacksonville, Fla. Fee: \$225.

23-24. The Reid Advanced Technique of Interviewing & Interrogation. Presented by John E. Reid & Associates. To be held in Chicago. Fee: \$345.

23-25. Field Training for Communications Officers. Presented by the Institute of Police Technology & Management. To be held in Jacksonville, Fla. Fee: \$325.

23-25. The Reid Technique of Interviewing & Interrogation. Presented by John E. Reid & Associates. To be held in New York. Fee: \$550.

23-27. Police Applicant Background Investigation. Presented by the Institute of Police Technology & Management. To be held in Jacksonville, Fla. Fee: \$425

23-27. Tactical Team Operations. Presented by the Institute of Public Service. To be held in Gainesville, Ga. Fee: \$525.

23-27. Project Management. Presented by the Northwestern University Traffic Institute. To be held in Evanston, Ill. Fee: \$500

23-27. Microcomputer Assisted Traffic Accident Reconstruction (EDCRASH). Presented by the Northwestern University Traffic Institute. To be held in Evanston, Ill. Fee: \$650.

23-27. Basic Financial Crime Investigation. Presented by the Northwestern University Traffic Institute. To be held in Evanston, Ill. Fee: \$500.

23-Oct. 4. Advanced Traffic Accident Investigation. Presented by the Institute of Police Technology & Management. To be held in Gainesville, Ga. Fee: \$525

16-18. O deadly-Physical Force — Police

held in Jacksonville, Fla. Fee: \$575.

23-Oct. 4. Technical Accident Investigation. Presented by the Northwestern University Traffic Institute. To be held in Evanston, Ill. Fee: \$700.

26-27. Executive/VIP Protection. Presented by Richard W. Kobetz & Associates. To be held in Toronto, Ont. Fee: \$375.

26-27. The Reid Advanced Technique of Interviewing & Interrogation. Presented by John E. Reid & Associates. To be held in New York. Fee: \$345

27-29. Street Survival '91. Presented by Calibre Press. To be held in Baltimore. Fee: \$149 (all three days); \$125 (first two days only); \$85 (third day only).

29-Oct. 1. National Juvenile Justice Conference. Presented by the National Juvenile Detention Association. To be held in Richmond, Ky. Fee: \$75

30-Oct. 1. Drug Trak III Training. Presented by the Institute of Police Technology & Management. To be held in Jacksonville, Fla. Fee: \$225.

30-Oct. 4. Field Training Officers Seminar. Presented by the Institute of Police Technology & Management. To be held in Jacksonville, Fla. Fee: \$425.

30-Oct. 4. Professional Marksmanship (Sniper I). Presented by the Institute of Public Service. To be held in Gainesville, Ga. Fee: \$600.

30-Oct. 4. Field Training Officers Program. Presented by the Northwestern University Traffic Institute. To be held in Evanston, Ill. Fee: \$500.

30-Oct. 4. Advanced Financial Crime Investigation. Presented by the Northwestern University Traffic Institute. To be held in Evanston, Ill. Fee: \$500.

30-Oct. 25. School of Police Supervision. Presented by the Southwestern Law Enforcement Institute. Fee: \$525 (SLEI members); \$750 (non-members).

30-Dec. 6. School of Police Staff & Command. Presented by the Northwestern University Traffic Institute. To be held in Evanston, Ill. Fee: \$2,000

OCTOBER

1-4. Crisis Management Operations. Presented by the Institute of Public Service. To be held in Gainesville, Ga. Fee: \$445

2-5. Personal Protection. Presented by the Institute of Public Service. To be held in Gainesville, Ga. Fee: \$65

3-4. Executive/VIP Protection. Presented by Richard W. Kobetz & Associates. To be held in Minneapolis. Fee: \$375

7-9. The Reid Technique of Interviewing & Interrogation. Presented by John E. Reid & Associates. To be held in Pittsburgh, Pa. Fee: \$495

7-10. Police Media Relations. Presented by the Institute of Police Technology & Management. To be held in Jacksonville, Fla. Fee: \$395

7-10. Advanced Hostage Negotiation. Presented by the Northwestern University Traffic Institute. To be held in Evanston, Ill. Fee: \$500

7-11. Video Production I. Presented by the Institute of Police Technology & Management. To be held in Jacksonville, Fla. Fee: \$475

7-11. Narcotic Identification & Investigation. Presented by the Institute of Police Technology & Management. To be held in Jacksonville, Fla. Fee: \$450

7-11. Vehicle Dynamics. Presented by the Northwestern University Traffic Institute. To be held in Evanston, Ill. Fee: \$500

7-11. Police Traffic Radar Instructor Training. Presented by the Northwestern University Traffic Institute. To be held in Evanston, Ill. Fee: \$500

7-11. Advances in Crime Scene Technology. Presented by the Northwestern University Traffic Institute. To be held in

Evanston, Ill. Fee: \$600

7-11. Sniper/Countersniper Operations II. Presented by the Institute of Public Service. To be held in Gainesville, Ga. Fee: \$600

7-18. Crime Prevention Technology & Programming. Presented by the National Crime Prevention Institute. To be held in Louisville, Ky. Fee: \$615

7-18. Traffic Accident Reconstruction. Presented by the Institute of Police Technology & Management. To be held in Jacksonville, Fla. Fee: \$595

8-10. Street Survival '91. Presented by Calibre Press. To be held in Minneapolis. Fee: \$149 (all three days); \$125 (first two days only); \$85 (third day only)

8-12. Annual Conference of the International Society of Crime Prevention Practitioners. To be held in Calgary, Alberta. Fee: \$270

9. Community-Oriented Policing. Presented by the University of Houston-Downtown Criminal Justice Center. To be held in Houston. Fee: \$35

10-11. The Reid Advanced Technique of Interviewing & Interrogation. Presented by John E. Reid & Associates. To be held in Pittsburgh, Pa. Fee: \$345

14-16. The Reid Technique of Interviewing & Interrogation. Presented by John E. Reid & Associates. To be held in Clearwater, Fla. Fee: \$495

14-18. Police Resource Allocation & Manpower Scheduling. Presented by the Northwestern University Traffic Institute. To be held in Evanston, Ill. Fee: \$500

14-18. Law Enforcement Fitness Instructor Certification. Presented by the Northwestern University Traffic Institute. To be held in Evanston, Ill. Fee: \$500

14-18. Drug Unit Commander Seminar. Presented by the Institute of Police Technology & Management. To be held in Jacksonville, Fla. Fee: \$425

14-18. Sects, Cults & Deviant Movements. Presented by the Institute of Police Technology & Management. To be held in Jacksonville, Fla. Fee: \$425

14-25. Traffic Accident Reconstruction I. Presented by the Northwestern University Traffic Institute. To be held in Evanston, Ill. Fee: \$700

15-17. The Reid Technique of Interviewing & Interrogation. Presented by John E. Reid & Associates. To be held in New Orleans. Fee: \$495

15-18. Tactical Crime Analysis. Presented by the National Crime Prevention Institute. To be held in Louisville, Ky. Fee: \$320

16-19. Fifth National Youth Crime Prevention Conference. Presented by Youth Crime Watch of America. To be held in Miami, Fla. Fee: \$95

20-26. Providing Protective Services. Presented by Richard W. Kobetz & Associates. To be held in Winchester, Va. Fee: \$2,500

21-22. Concealment Areas within a Vehicle. Presented by the Institute of Police Technology & Management. To be held in Jacksonville, Fla. Fee: \$275

21-24. The Reid Technique of Interviewing & Interrogation. Presented by John E. Reid & Associates. To be held in Chicago. Fee: \$550

21-24. Interviews & Interrogations Techniques for Internal Affairs Officers. Presented by the Institute of Police Technology & Management. To be held in Jacksonville, Fla. Fee: \$395

Publicize your upcoming events in **Law Enforcement News**. Send the name of the event, a brief description, where and when it will be held and any fees to **Upcoming Events, Law Enforcement News, 899 Tenth Avenue, New York, NY 10019**.

For further information

American Correctional Association, 8025 Laurel Lakes Ct., Laurel, MD 20707. (301) 206-5100

Broward Sheriff's Office Organized Crime Centre, P.O. Box 2505, Fort Lauderdale, FL 33303. (305) 492-1810

Calibre Press, 666 Oundee Rd., Suite 1607, Northbrook, IL 60062-2727. (800) 323-0037

Criminal Justice Center Police Academy, Sam Houston State University, Box 2296, Huntsville, TX 77341-2296. (409) 294-1669,70

Delinquency Control Institute, University of Southern California, School of Public Administration, 3601 South Flower St., Los Angeles, CA 90007. (312) 743-2497

Department of Defense Polygraph Institute, Building 3195, Fort McClellan, AL 36205-5114. (205) 848-3336

Florida Crime Prevention Training Institute, Office of Crime Prevention & Training, The Capitol, Tallahassee, FL 32399-1050. (904) 487-3712

Institute of Police Technology &

Management, University of North Florida, 4567 St. Johns Bluff Rd. So., Jacksonville, FL 32216. (904) 646-2722

Institute of Public Service, 601 Broad St., S.E., Gainesville, GA 30501. 1-800-235-4723

International Society of Crime Prevention Practitioners, c/o Bob Grant, Calgary Police Service, 316 7th Ave., S.E., Calgary, Alberta, Canada T2G 0J2. (403) 268-5901. Fax: (403) 268-4552

Richard W. Kobetz & Associates Ltd., Arcadia Manor, Rte. 2, Box 3645, Berryville, VA 22611. (703) 955-1128

National Crime Prevention Institute, Shelby Campus, University of Louisville, Louisville, KY 40292. (502) 588-6987

National Juvenile Detention Association, 217 Perkins Building, Eastern Kentucky University, Richmond, KY 40475-3127

NIS Inc., P.O. Box 1932, North Little Rock, AR 72115. (501) 374-8565

Northwestern University Traffic Institute, 555 Clark St., P.O. Box 1409, Evanston, IL

60204 1-800-323-4011

Office of International Criminal Justice, University of Illinois-Chicago, Attn: Ms. Nancy Taylor, 715 South Wood St., M/C 777, Chicago, IL 60612. (312) 996-0159

John E. Reid & Associates Inc., 250 South Wacker Dr., Suite 1100, Chicago, IL 60606. (312) 876-1600

SEARCH Group Inc., 7311 Greenhaven Dr., Suite 145, Sacramento, CA 95831. (916) 392-2550

Southern California Fraud Investigators Association, P.O. Box 3067, Lakewood, CA 90711. (213) 866-0339

Southwestern Law Enforcement Institute, P.O. 830707, Richardson, TX 75083-0707. (214) 690-2370

University of Houston-Owensboro, Criminal Justice Center, 1 Main St., Houston, TX 77002. (713) 221-8690

Youth Crime Watch of America, 5220 Biscayne Blvd., Suite 207, Miami, FL 33137-3222. (305) 758-9292. Fax: (305) 756-1436

Law Enforcement News

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Playing by the rules:

The U.S. Supreme Court continues to give police wider authority, handing down back-to-back decisions that expand officers' power to question suspects in custody and to search containers in automobiles. **Page 1.**

Promoting fairness:

Charges of bias in promotions policies are leveled by FBI employees, both black and white, and against police departments in Pittsburgh and Philadelphia.
Pages 5 and 8.



FOP challenge:

Veteran Newark, N.J., cop Tom Possumato takes on two-term incumbent Dewey Stokes in a hot race for the top spot in the Fraternal Order of Police.
Page 5.

All in the family:

The importance of counseling for officers' families is too often overlooked, a psychologist with the Prince George's County, Md., Police Department argues.
Page 6.

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